United Nations A/62/7/Add.5

General Assembly

Distr.: General
24 October 2007

Original: English

Sixty-second session
Agenda item 128
Proposed programme budget for the biennium 2008-2009

Request for a subvention to the United Nations Institute for Disarmament Research resulting from the recommendations of the Board of Trustees of the Institute on the work programme of the Institute for 2008-2009

Sixth report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 2008-2009

1. The Advisory Committee on Administrative and Budgetary Questions has considered the note by the Secretary-General (A/C.5/62/3) on the request for a subvention of $485,500 (before recosting) to the United Nations Institute for Disarmament Research (UNIDIR) resulting from the recommendations of the Board of Trustees of the Institute on the work programme of the Institute for 2008-2009. During its consideration of the request, the Committee met with the Director and other representatives of the Institute, who provided additional information and clarifications.

2. The General Assembly, in part IV, paragraph 2, of its resolution 60/248, endorsed the proposal that the request for a subvention to UNIDIR be submitted for review and approval by the Assembly on a biennial basis in the context of its consideration of the proposed programme budget for the related biennium. The note by the Secretary-General presents requests for the full biennium 2008-2009 in accordance with resolution 60/248 and is consistent with what is contained in the proposed programme budget for the biennium 2008-2009, which includes, under section 4, Disarmament, a provision for $485,500 representing the United Nations subvention to UNIDIR for 2008-2009 (see A/62/6 (Sect.4), para. 4.27). The Committee notes that in the proposed programme budget, extrabudgetary resources for the Trust Fund for UNIDIR for 2008-2009 are estimated at $4,388,900 (see A/62/6 (Sect.4), para. 4.11).

3. Upon request, the Advisory Committee was provided with the following summary table of the Institute's estimated income from voluntary sources and from the subvention from the United Nations regular budget between 2002 and 2008:

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Income from voluntary sources and subvention from the United Nations regular budget

(Thousands of United States dollars)

	2002	*2003*	*2004*	*2005*	*2006*	*2007[a]*	*2008[a]*
Voluntary contributions	1 426.6	751.6	2 063.4	3 327.4	2 558.7	2 013.8	1 135.4
Subvention from United Nations regular budget	229.5	219.2	228.5	247.1	223.5	262.0	231.5
Total	**1 656.1**	**970.8**	**2 291.9**	**3 574.5**	**2 782.2**	**2 275.8**	**1 366.9**

[a] Estimate as at 19 October 2007.

4. The subvention is used to cover the costs of the Director, the Deputy Director and two General Service staff. During its consideration of the request, the Advisory Committee held an exchange of views with the representatives of the Institute concerning the continuing need for a subvention from the regular budget, given the fairly positive financial position of the Institute as regards voluntary contributions. The Committee was informed that the subvention was requested in order to ensure the independence of the Director of the Institute, and that this was vital given the highly political nature of disarmament and international security issues. Furthermore, it was asserted that the visible independence of the Director was important in raising voluntary funds. Moreover, the granting of a subvention encouraged donors to consider funding UNIDIR research projects, as it was seen as a commitment to the long-term survival of the Institute and its independent character.

5. **The Advisory Committee recommends that the General Assembly approve the request of $485,500 (before recosting) for UNIDIR for 2008-2009; no additional provision would be required under section 4 of the proposed programme budget for 2008-2009.**

United Nations A/62/7/Add.6

General Assembly

Distr.: General
24 October 2007

Original: English

Sixty-second session
Agenda item 128
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Development Account

Seventh report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the fifth progress report on the implementation of projects financed from the Development Account (A/62/123) and an advance version of the report of the Secretary-General on the Development Account (A/62/466). During its consideration of the reports, the Committee met with representatives of the Secretary-General, who provided additional information.

Implementation of projects: fifth progress report

2. The fifth progress report of the Secretary-General was submitted pursuant to General Assembly resolution 56/237, in which the Assembly reiterated its decision to keep the implementation of the Development Account under review.

3. Since its inception in 1997, 90 projects in five tranches in all regions, with a total budget of $65 million, have been approved under the Development Account, each tranche with a different theme. Projects approved for the first three tranches, from 1998 to 2003, have been completed and closed. As at 30 April 2007, the implementation rate was 64.3 per cent for the fourth tranche (2004-2005). For the fifth tranche (2006-2007), the implementation rate was 15.3 per cent, which is in line with the experience in the first year of operation for projects under the earlier tranches (see A/62/123, paras. 6, 11 and 12).

4. The Advisory Committee notes that improvements have been made in the areas of project design, through the application of logical frameworks used in results-based budgeting, and project monitoring, through the use of an enhanced online monitoring system. In line with previous recommendations of the Committee (see A/58/7/Add.5), lessons learned in the implementation of projects in the earlier tranches have been applied to the programming of new projects (see A/62/123, paras. 28-35). Starting with the fifth tranche, an external final evaluation of all completed projects will be carried out (see A/62/466, para. 24). Upon enquiry, the

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Committee was informed that approximately 2 per cent of the budget of a project would be allocated to evaluation at the project level.

Comprehensive report

5. The comprehensive report on the Development Account (A/62/466) was submitted pursuant to paragraphs 4, 6 and 7 of section IV of General Assembly resolution 61/252, which called for: (a) a review of the modalities and rationale for the funding of the Development Account; (b) a definition of procedures to identify efficiency or other gains for transfer to the Account; (c) recommendations on identifying a further $2.5 million for the Account; and (d) an assessment of the impact of the Account in terms of its aims and purposes.

6. The first part of the report reviews the impact of the Development Account. The report indicates that since the projects are relatively small, with an average cost of $650,000, and are of less than four years' duration, it is difficult to assess their impact, as this can often be determined only long after an activity has been completed. Many implementing entities, unlike the major United Nations funds and programmes, do not have a continuing presence in the targeted countries. As a result, there has been little alternative other than to focus measurement essentially on outputs and expected accomplishments. Paragraphs 11 to 13 of the report indicate that most of the criteria for the governance of the Development Account relate to the characteristics of the projects rather than to their intended developmental impact. The statement of objectives for the Development Account relates more to how the Account is expected to operate rather than to what it is expected to achieve. Findings of a review on the five major aims and purposes of the Account are presented in paragraphs 32 to 51 of the report.

7. The report does not draw conclusions on the long-term developmental impact of the Account. The premise is that short-term results will lead to long-term impact, even if current measurement technology does not make direct attribution possible. The report concludes that the Development Account is largely achieving its aims and purposes as defined by the General Assembly and is producing demonstrable and beneficial results (see A/62/466, paras. 5, 54 and 55).

8. Upon enquiry, the Advisory Committee was informed that Development Account projects were often implemented cooperatively by more than one organization and were often regional or subregional in scope, while projects under the regular programme of technical cooperation were usually implemented by one organization in one country.

9. The second part of the report contains background on the establishment of and the modalities and rationale for funding the Development Account (A/62/466, paras. 58-67). The Advisory Committee recalls that in 1997, when proposing to create a "dividend for development" from savings in administrative and other overhead costs, the Secretary-General maintained that it would be possible to deliver an efficiency dividend of some $200 million by 1 January 2002 (see A/51/950, paras. 57 and 58). The Committee pointed out then that the target appeared to be overly ambitious (see A/52/894, para. 7).

10. In its resolutions 60/246 and 61/252, the General Assembly requested the Secretary-General to make recommendations on how additional resources could be

added to the Account, in the amount of $5 million and $2.5 million respectively. In 2006, the Secretary-General reported to the Assembly that no efficiency savings had been identified as a part of the unencumbered balance of the approved budget appropriation to be transferred to the Development Account. That was attributed to the difficulty of identifying such savings in the absence of dependable methodologies, such as a cost-accounting system. Even if such a system were in place, the tendency of the programme managers would be to retain savings to meet additional mandates and workloads rather than to surrender them for transfer to the Development Account (A/61/282, paras. 16 and 18). Therefore, the Secretary-General was not in a position to make recommendations on how additional resources could be identified. In his current report, the Secretary-General states that with the current information technology systems, it is not possible to identify efficiency or other gains for transfer to the Development Account (A/62/466, para. 79).

11. In this context, at its sixtieth session, the General Assembly, as a one-time exercise, decided that the Development Account should be recosted for the biennium 2006-2007, which led to an increase of $889,100, for a total appropriation of $13,065,000 for 2004-2005. Again, as an immediate exceptional measure to address the non-transfer of resources to the Account since its inception, the Assembly, in its resolution 61/252, also decided to appropriate $2.5 million for the Account in 2006-2007.

12. In view of the absence of a system to identify and record efficiency gains, the Secretary-General, in paragraph 78 of his report, proposes three options: (a) efficiency gains or savings, identified by the Office of Internal Oversight Services through collaboration with the affected departments, that may be transferred to the Development Account; (b) better identification of tangible and sustainable resources relating to efficiencies in the context of results-based management, combined with cost-accounting principles and the implementation of an enterprise resource planning system; and (c) the realignment of programme priorities by the General Assembly within the overall programme budget level.

13. **The Advisory Committee notes that calls by the General Assembly for the Secretary-General to identify additional resources for the Development Account have not met with success. The Committee is of the view that the funding mechanism of the Account, as currently designed, has not proven to be successful and, therefore, the base is unlikely to grow. Furthermore, in the opinion of the Committee, the three options proposed in the report of the Secretary-General do not represent realistic or reliable solutions to the fundamental problem of the funding mechanism of the Development Account.**

14. **Further to its resolution 56/237, the General Assembly may wish to review the Development Account in all its aspects.**

United Nations A/62/7/Add.7

General Assembly

Distr.: General
25 October 2007

Original: English

Sixty-second session
Agenda items 128, 137 and 140

Proposed programme budget for the biennium 2008-2009

Administration of justice at the United Nations

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Report of the Secretary-General on the administration of justice

Eighth report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 2008-2009

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the administration of justice (A/62/294). A list of documents used by the Advisory Committee during its consideration of this item is included at the end of the present report.

2. In its resolution 61/261, the General Assembly decided to establish a new system of internal justice by 1 January 2009. It requested the Secretary-General to submit a series of further reports (see annex I), including information on resource requirements, at the early part of the main part of its sixty-second session. The Assembly also requested the Secretary-General to ensure that the current system continues to function properly until the new system becomes operational and to clear the backlog of cases before it. The Secretary-General was further requested to submit a report to the Assembly on resources required for the implementation of the resolution as a matter of priority at the second part of its resumed sixty-first session.

3. The report under consideration consolidates the additional reports requested by the General Assembly in paragraph 32 of the aforementioned resolution and provides details on the structures and procedures of the new system. It also addresses the resource implications for the proposed programme budget for the biennium 2008-2009 for the period from 1 January to 31 December 2009 and the peacekeeping support account from 1 January to 30 June 2009.

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4. Consequent to the adoption of resolution 61/261, the Secretary-General submitted revised estimates (A/61/891) for the biennium 2006-2007 and for the calendar year 2008 (that is, until the new system becomes operational) in order, inter alia, to clear the backlog and strengthen the Office of the Ombudsman, including the creation of a Mediation Division. The related report of the Advisory Committee (A/61/936) addresses the requests for 2006-2007. The two reports are still under review by the General Assembly. To facilitate the Assembly's consideration of the Secretary-General's present proposals, the present report of the Advisory Committee addresses the requirements for the biennium 2008-2009 as a whole, including those set out in documents A/61/891 and A/62/294, as follows: recommendations on posts are consolidated under the relevant sections below; the remaining proposals are dealt with in part III. The Committee was informed that additional resources resulting from the Assembly's decisions on documents A/61/891 and A/62/294 would be incorporated in the budget appropriation at the time of adoption of the programme budget for the biennium 2008-2009 in December 2007. The Committee's recommendations on the Secretary-General's proposals concerning peacekeeping operations are included under the relevant sections below (see also para. 9 below). The financial implications of these proposals will be addressed in the context of the Committee's consideration of the peacekeeping support account budget for the period from 1 July 2008 to 30 June 2009.

II. New system of administration of justice

5. As proposed by the Secretary-General, the new system of administration of justice would provide informal and formal mechanisms for settling employment-related disputes. It consists of the following principal components: (a) a two-tiered system of formal justice, comprising a first-instance decentralized Tribunal, the United Nations Dispute Tribunal, and a second-level appellate Tribunal, the United Nations Appeals Tribunal; (b) an Office of Administration of Justice, headed by an Executive Director, with the overall responsibility for the administrative coordination of the system of internal justice, including the registries for the two tribunals and an Office of Staff Legal Assistance; (c) an Office of the Ombudsman, with a Mediation Division; and (d) a management evaluation function. In addition to their presence at Headquarters in New York, the Secretary-General proposes that most of the aforementioned offices would have decentralized units at the United Nations Offices at Geneva, Vienna and Nairobi, the regional commissions and some major peacekeeping operations. A comparison of the timeline of the appeals process in the existing and the proposed systems and an accompanying flowchart are shown in annexes II and III to the present report. The distribution of posts requested for the new system of internal justice by office and function across duty stations is provided in annex IV to the present report.

6. Tables 1 and 2 below provide a summary of the overall resources proposed for Administration of Justice functions. They reflect: (a) existing resources; (b) the revised estimates for the bienniums 2006-2007 and 2008-2009 as set out in document A/61/891; (c) the further requests contained in document A/62/294; and (d) estimates for the current proposals at full cost for a biennium.

Table 1
Posts proposed for the new system of internal justice

	2006-2007	*2008*	*2009*
Regular budget			
Existing regular budget posts (A/61/758)	34	34	34
New posts requested in document A/61/891		11	11
New posts requested in document A/62/294			68
Total regular budget posts	**34**	**45**	**113**
Extrabudgetary posts*			
Existing extrabudgetary posts (A/61/758)	15	15	—
Peacekeeping posts requested in document A/62/294	—	—	21
Total extrabudgetary posts	**15**		**21**
Total posts	**49**	**60**	**134**

* Including peacekeeping support account.

Table 2
Resources proposed for the new system of internal justice, including current proposals at full cost*
(United States dollars)

	Amount
Regular budget	
Existing resources	10 625 500
Total amount in the current proposals (A/61/891 and A/62/294)	23 428 600
Requirements for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal to cover the full biennium	2 025 000
Delayed impact of the staffing proposals	20 783 400
Discontinuation of one-time costs in the present report	-7 551 100
Cost of other non-post costs (inter alia, travel, general operating expenses, contractual services) based on current proposals, to cover the full biennium	5 461 300
Subtotal (regular budget)	**54 772 700**
Peacekeeping support account	
Total amount in the current proposals (A/62/294)	811 100
Delayed impact of the staffing proposals	2 512 800
Discontinuation of one-time costs	-23 100
Cost of other non-post costs (inter alia, travel, general operating expenses, contractual services) based on current proposals, to cover the full biennium	45 000
Subtotal (peacekeeping support account)	**3 345 800**
Total costs for the biennium	**58 118 500**

* Figures are based on the current estimates for 2006-2007 and represent approximate amounts.

7. As shown in the tables above, the Secretary-General's proposals for the new system of internal justice would entail an increase in resources. The total number of dedicated posts under the regular budget would increase from 34 to 113. Overall resource requirements under the regular budget would increase from the existing level of $10,625,500 by $23,428,600 in 2008-2009 for preparatory work in 2008 and the first year of the operations of the system in 2009, to an estimated $54,772,700 at full cost for a biennium. Owing to the delayed recruitment factor, the current proposal includes only 50 per cent of the costs of the new Professional posts to be created as of 1 January 2008 and 25 per cent for those to be created on 1 January 2009. A delayed recruitment factor of 35 per cent has been applied in costing the requirements for new General Service posts for 2008 and 2009.

8. The posts requested under the regular budget include:

(a) A total of 33 posts for the Office of the Ombudsman, including 7 existing posts, 24 new posts and the redeployment of 2 posts from the United Nations Offices at Geneva and Nairobi;

(b) A total of 21 posts for the Office of Staff Legal Assistance, including 15 new posts and the redeployment of 6 posts from the Department of Management, the United Nations Offices at Vienna and Nairobi and the secretariat of the United Nations Administrative Tribunal;

(c) A total of 16 posts for the management evaluation function, including 11 new posts and the redeployment of 5 posts from the Department of Management;

(d) A total of 28 posts for the Office of Administration of Justice, including 24 new posts and the redeployment of 4 posts from the secretariat of the United Nations Administrative Tribunal and the United Nations Office at Geneva;

(e) A total of 10 posts for the Office of Legal Affairs, including 5 existing and 5 new posts;

(f) A total of five existing posts for the Administrative Law Unit, which would continue unchanged.

9. Under the peacekeeping support account, a further 21 posts are requested, including 9 posts for the Office of the Ombudsman, 9 for the Office of Staff Legal Assistance and 3 for the management evaluation function.

10. From its discussions with the representatives of the Secretary-General, the Advisory Committee understands that the proposed requirements are based partly on current caseload and the general assumption that recourse to the system will increase as the staff's confidence in the system grows. The Secretary-General's report, however, does not explicitly address how the development of one part of the new system might affect another. For example, any strengthening of the informal system may reasonably be expected to reduce recourse to the formal system. Furthermore, each part of the system is presented in isolation, with a template approach to decentralization. **The Committee is concerned that the establishment of such an elaborate and complex system is being envisaged without the benefit of any real experience in a comparable setting. It therefore believes that the system should be implemented in a prudent and gradual manner, which gives effect to the principles expressed by the General Assembly while permitting further development in the light of experience.**

11. In this connection, the Advisory Committee stresses the importance of early identification of systemic problems, such as those pointed out in the report of the Ombudsman (A/62/311, paras. 41-44) and the need to take expeditious remedial action. It notes the Secretary-General's recognition of the need to reinforce managers' accountability for the exercise of the authority that has been delegated to them. This should contribute to reducing the number of cases brought before the informal and formal systems of justice. The Committee also points to a series of consequential proposals on human resources management currently before it that may lead to a simplification of rules and regulations and which, in future, may also contribute towards reducing the numbers of disputes to be handled by the system of internal justice.

A. Scope and jurisdiction

12. In paragraph 32 (a) of its resolution 61/261, the General Assembly requested an in-depth analysis regarding the scope of persons who might be covered by the new system of administration of justice. The Secretary-General's analysis is provided in paragraphs 13 to 22 of his report, in which he recommends that the new system cover non-staff personnel, including United Nations Volunteers, consultants, individual contractors and daily paid workers, expanding the scope of coverage by some 45,000 persons and increasing the overall number to be covered by 75 per cent. The Advisory Committee notes that these categories of personnel (except daily paid workers) are subject to different United Nations contractual mechanisms and procedures for resolving disputes. Consultants and individual contractors are subject to ad hoc arbitration under the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL) and United Nations Volunteers may appeal an administrative decision to the United Nations Volunteers Executive Coordinator in accordance with the provisions of the Conditions of Service for International United Nations Volunteers. Currently, the daily paid workers, generally employed by peacekeeping missions, do not have access to recourse procedures in the framework of the United Nations.

13. Details of the numbers of staff and non-staff personnel engaged by the Secretariat and by the funds and programmes from 1 April 2006 to 31 March 2007 are provided in table 3 of the Secretary-General's report and are summarized in the table below.

Table 3
Staff and non-staff personnel proposed to be covered by the new system of internal justice

Entity	*Number of staff*	*Number of non-staff*	*Total*
Secretariat	34 517	13 671	48 188
Funds and programmes	26 205	24 161	50 366
Total	**60 722**	**45 461**	**106 183**

14. The Advisory Committee notes that, in his analysis, the Secretary-General has provided more comprehensive data on the numbers and categories of non-staff

personnel, but there is little information on the types and numbers of disputes that occur between non-staff personnel and the Organization. He reiterates his position that disputes involving non-staff personnel would be more effectively addressed if they were to have access to the same justice system as staff members. He suggests that the small number of formal requests for settlement of disputes by arbitration indicates that arbitration may not be an effective means of recourse. **The Committee continues to believe that there is no sound basis for granting access to the internal justice system of the United Nations to individual contractors, consultants and United Nations Volunteers who have existing means of recourse. In the opinion of the Committee, the Secretary-General has not provided any new or convincing rationale for expanding the scope of the system to these categories of personnel.**

15. **Therefore, the Advisory Committee recommends that the system of internal justice continue to apply only to those individuals covered by the Staff Regulations and Rules of the United Nations. The lower number of persons to be covered should have an impact on the level of resources required in the other parts of the system. The Committee does recognize, however, the Organization's responsibility to ensure that the daily paid workers in peacekeeping missions (3,312 individuals as of September 2007) are made aware of their rights and obligations and have access to suitable recourse procedures within the framework of the United Nations.**

B. Informal system

Office of the Ombudsman

16. In paragraphs 12 and 16, respectively, of its resolution 61/261, the General Assembly decided to create a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes and to establish a Mediation Division located at Headquarters within the Office of the United Nations Ombudsman to provide formal mediation services. The Assembly emphasized the role of the Ombudsman to report on broad systemic issues and to encourage staff to seek resolution through the informal system. It also transferred the functions of the Panel on Discrimination and Other Grievances relating to the informal system to the Office of the Ombudsman (see resolution 61/261, paras. 11-18).

17. The Secretary-General has proposed a substantial expansion of the existing capacity of the Office of the Ombudsman at Headquarters and the creation of new structures and capacities in the duty stations in Addis Ababa, Bangkok, Beirut, Dakar, Geneva, Nairobi, Santiago and Vienna as well as the peacekeeping missions in the Democratic Republic of the Congo, Liberia and the Sudan. He proposes a phased expansion of the Office as follows:

- The immediate establishment of a new Mediation Division in New York (see A/61/891);
- The immediate establishment of decentralized branch offices in Geneva, Vienna and Nairobi (see A/61/891);
- The establishment of the remaining decentralized branches in Addis Ababa, Bangkok, Beirut, Dakar and Santiago as well as in the peacekeeping missions

in the Democratic Republic of the Congo, Liberia and the Sudan and the further strengthening of the capacity of the Headquarters Office of the Ombudsman in New York, from 1 January 2009, with an additional 15 posts.

18. **The Advisory Committee recognizes that the informal system constitutes an important element of the reform of the system of internal justice and underlines the pivotal role of mediation in reconciling differences. With its strengthened role, the Office of the Ombudsman should be able to promote the informal resolution of disputes, thereby avoiding unnecessary litigation.**

19. The table below summarizes the Secretary-General's proposals for the overall staffing of the Office of the Ombudsman, as requested in documents A/61/294 and A/61/891, taking into account existing posts and redeployments, as well as the Advisory Committee's related recommendations.

Proposed staffing resources

Secretary-General's proposals		
Total staffing	33 posts	1 ASG; 7 D-1; 4 P-5; 2 P-4; 6 P-3; 1 GS (PL); 7 GS (OL); 5 GS (LL)
Existing posts	7 posts	1 ASG; 1 D-1; 1 P-5; 1 P-4; 1 P-3; 2 GS (OL)
Inward redeployments	2 posts	2 P-3
New posts requested:	24 posts	6 D-1; 3 P-5; 1 P-4; 3 P-3; 1 GS (PL); 5 GS (OL); 5 GS (LL)
A/61/891: Mediation Division	5 posts	1 D-1; 2 P-5; 2 GS (OL)
A/61/891: Office of the Ombudsman	6 posts	2 D-1; 1 P-5; 2 GS (OL); 1 GS (LL)
A/62/294	13 posts	3 D-1; 1 P-4; 3 P-3; 1 GS (PL); 1 GS (OL) 4 GS (LL)
Advisory Committee's recommendations		
Total staffing	19 posts	1 ASG; 2 D-1; 4 P-5; 2 P-4; 3 P-3; 1 GS (PL); 5 GS (OL); 1 GS (LL)
New posts to be established:	10 posts	1 D-1; 3 P-5; 1 P-4; 1 GS (PL); 3 GS (OL); 1GS (LL)
A/61/891: Mediation Division	3 posts	1 D-1; 1 P-5; 1 GS (OL)
A/61/891: Office of the Ombudsman	4 posts	2 P-5; 1 GS (OL); 1GS (LL)
A/62/294	3 posts	1 P-4; 1 GS (PL); 1 GS (OL)

20. The Secretary-General proposes to redeploy to the Office of the Ombudsman one P-3 post each from the United Nations Offices at Geneva and Nairobi, as well as one P-5 post from the Office of the Ombudsman in New York to Addis Ababa. A summary of the posts proposed for the Office of the Ombudsman, distributed by function and location, including peacekeeping, is shown in the tables below.

Table 4
Distribution of posts proposed for the Office of the Ombudsman by function and location

	Level	*New York*	*Geneva*	*Nairobi*	*Vienna*	*Addis Ababa*	*Bangkok*	*Beirut*	*Santiago*	***Total***
Office of the Ombudsman										
United Nations Ombudsman	ASG	1								**1**
Regional Ombudsman	D-1		1	1			1	1	1	**5**
Deputy Regional Ombudsman	P-5				1	1				**2**
Principal Officer	D-1	1								**1**
Legal Officer	P-4	2								**2**
Legal/Case Officer	P-3	1	1	1			1	1	1	**6**
Legal/Administrative Assistant	GS (PL)	1								**1**
Administrative Assistant	GS (OL)	3	1		1					**5**
Administrative Assistant	GS (LL)			1		1	1	1	1	**5**
Mediation Division										
Coordinating Mediator	D-1	1								**1**
Mediators	P-5	2								**2**
Administrative Assistant	GS (OL)	2								**2**
Total Professional posts		**8**	**2**	**2**	**1**	**1**	**2**	**2**	**2**	**20**
Total posts		**14**	**3**	**3**	**2**	**2**	**3**	**3**	**3**	**33**

Table 5

	Level	*United Nations Organization Mission in the Democratic Republic of the Congo*	*United Nations Mission in Liberia*	*United Nations Mission in the Sudan*	***Total***
Office of the Ombudsman — Peacekeeping					
Regional Ombudsman	D-1	1	1	1	**3**
Legal/Case Officer	P-4	1	1	1	**3**
Administrative Assistant	GS (LL)	1	1	1	**3**
Total Professional posts		**2**	**2**	**2**	**6**
Total posts		**3**	**3**	**3**	**9**

Mediation Division

21. A new Mediation Division is proposed to be established immediately within the Office of the Ombudsman, to provide a dedicated capacity for formal mediation services (see A/61/891). Mediation would be conducted on the basis of a joint voluntary request from the parties in conflict, on cases referred to the Mediation Division by the Office of the Ombudsman, or by order of the United Nations Dispute Tribunal. The agreements reached through the mediation process are binding and preclude further recourse to the informal and formal systems. It is proposed that the Division consist of a Coordinating Mediator (D-1), two Mediators (P-5) and two Administrative Assistants (General Service (Other level)). **The Advisory Committee recommends that the Mediation Division be established from 1 January 2008 and consist of four posts, the Coordinating Mediator (D-1), two Mediators (P-5) and one Administrative Assistant (General Service (Other level)) but not the second Administrative Assistant. It recommends that one of the P-5 posts of Mediator be provided through redeployment of the existing P-5 post in the Office of the Ombudsman, which the Secretary-General proposes to redeploy for the post of the Deputy Regional Ombudsman in Addis Ababa. Accordingly, three new posts would be established for the Mediation Division, including one D-1, one P-5 and one General Service (Other level) from 1 January 2008.**

Office of the Ombudsman

22. The Secretary-General proposes to strengthen the Headquarters Office of the Ombudsman in New York with three additional posts for one Legal Officer (P-4), one Legal Assistant (General Service (Principal level)), and one additional Administrative Assistant (General Service (Other level)). **The Advisory Committee recommends approval of these three posts.**

23. With respect to the decentralization of the Office of the Ombudsman, the Secretary-General proposes to establish branch offices in Geneva, Vienna and Nairobi immediately (see A/61/891) and the remaining offices in Addis Ababa, Bangkok, Beirut, Dakar and Santiago from 1 January 2009 (see A/62/294). Each office would be headed by a Regional Ombudsman (D-1) or Deputy Regional Ombudsman (P-5), have a Case/Legal Officer at the P-3 level (except in Vienna and Addis Ababa) and a Legal Assistant. Branch offices are also proposed for three of the major peacekeeping operations.

24. The Advisory Committee believes that there are some complementarities and potential for generating synergies between the functions of the Ombudsman and Staff Legal Counsel. The prospective workload of these offices would also likely be affected by decisions made regarding the scope of the coverage of the new system of internal justice (see para. 15 above). Likewise, if the General Assembly were to adopt the phased approach towards implementation recommended by the Committee (see para. 10 above), it could, if it deems necessary, add posts in this area at a later stage rather than all at once. Future adjustments could be made on the basis of actual caseloads and experiences with the system.

25. The Advisory Committee is of the view that it is not necessary to establish separate branch offices for the Offices of the Ombudsman in each of the eight duty stations proposed. It should be recalled that the presence of personnel from the Office of Staff Legal Assistance in some duty stations will also provide

knowledgeable capacity that staff can draw upon. The approach of the Committee is to provide Ombudsman capacity in some duty stations and legal assistance capacity in others.

26. **The Advisory Committee recommends that posts requested for the establishment of branch offices in Geneva and Nairobi be approved from 1 January 2008, with the post of Regional Ombudsman at the P-5 instead of the D-1 level, one Administrative Assistant (General Service (Other level)) in Geneva and one Administrative Assistant (General Service (Local level)) in Nairobi. It also recommends approval of the Secretary-General's proposals to redeploy to the Office of the Ombudsman one P-3 post each from the United Nations Offices at Geneva and Nairobi for the posts of Legal/Case Officers. The Committee recommends against approval of the establishment of the remaining branch offices in Vienna, Addis Ababa, Bangkok, Beirut, Dakar and Santiago (see also para. 48 below).**

27. It is proposed that the branches of the Office of the Ombudsman in peacekeeping missions should be staffed by a Regional Ombudsman (D-1), a Legal/Case Officer (P-4) and an Administrative Assistant (Local level) (see table 5 above). **The Advisory Committee recommends that the grade levels of the posts of Regional Ombudsman and Legal Officer be aligned to the corresponding posts in the other branch offices, at the P-5 and P-3 levels, respectively. It recommends approval of the Secretary-General's proposals to establish a branch office of the Ombudsman in the Democratic Republic of the Congo and the Sudan, each with one Regional Ombudsman (P-5), a Legal/Case Officer (P-3) and an Administrative Assistant (Local level). Taking into account its recommendation for a gradual implementation as well as recent developments concerning a draw-down of the United Nations Mission in Liberia, the Committee recommends against approval of the establishment of the branch Office of the Ombudsman in Liberia.**

28. **The Advisory Committee recommends that consideration should be given in future to the possibility of using National Professional Officers for the function of Legal/Case Officer at the decentralized duty stations.**

C. Formal system

Management evaluation

29. In the Advisory Committee's report (A/61/815) on the proposals of the Redesign Panel (A/61/205) and the related proposals of the Secretary-General (A/61/758), the Committee highlighted the fact that the management evaluation stage was an area where the Secretary-General's proposals differed from the recommendations of the Panel. The Panel had clearly and unambiguously recommended that the current administrative review function be abolished, noting that it did not have the confidence of the staff (A/61/205, para. 87). The Secretary-General had proposed instead to develop a management evaluation function, to be carried out by a separate unit in the Department of Management, as the first, mandatory step of the formal system of justice, in order to give the Administration an opportunity to review contested decisions and to allow it to correct or overturn previous administrative decisions, prior to a complainant's bringing a formal case to the Dispute Tribunal (A/61/758, paras. 29-30). The Committee indicated that it saw

merit in a management evaluation function and stressed the importance of upholding the general principle of exhausting administrative remedies before formal proceedings commence (resolution 61/261, para. 26; A/61/815, para. 38). However, in order to eliminate any appearance of a conflict of interest, the Committee recommended that the Assembly consider placing the management evaluation unit elsewhere in the Organization, for example, in the Executive Office of the Secretary-General, rather than in the Department of Management.

30. Details on the Secretary-General's proposals for the management evaluation function requested by the General Assembly in paragraph 32 (i) of its resolution 61/261 are provided in paragraphs 75 to 95 of his report (A/62/294). The Secretary-General is proposing to establish a management evaluation unit in the Office of the Under-Secretary-General for Management in New York with legal/administrative officers out-posted in a number of duty stations, to advise the Heads of Office/Mission and to maintain liaison with headquarters. The table below summarizes the Secretary-General's proposals for the management evaluation function and the related recommendations of the Advisory Committee.

Proposed staffing resources

Secretary-General's proposals		
Total staffing	16 posts	1 D-1; 1 P-5; 6 P-4; 5 P-3; 3 GS (OL)
Inward redeployments	5 posts	1 P-5; 1 P-4; 3 GS (OL)
New posts requested	11 posts	1 D-1; 5 P-4; 5 P-3
Advisory Committee's recommendations		
Total staffing	5 posts	1 P-5; 1 P-4; 3 GS (OL)
New posts to be established	—	

31. The distribution of posts by function and location is summarized in tables 6 and 7 below. Five posts (1 P-5, 1 P-4 and 3 General Service (Other level) would be redeployed to the Management Evaluation Unit in New York from the secretariats of the Joint Appeals Board, the Joint Disciplinary Committee, the Panel on Discrimination and Other Grievances and the Panel of Counsel in the Office of the Under-Secretary-General for Management.

Table 6
Distribution of posts proposed for management evaluation by function and location

	Level	*New York*	*Geneva*	*Nairobi*	*Vienna*	*Addis Ababa*	*Bangkok*	*Beirut*	*Santiago*	***Total***
Chief of the Management Evaluation Unit	D-1	1								**1**
Senior Legal/Administrative Officer	P-5	1								**1**
Legal/Administrative Officer	P-4	4	1	1						**6**

	Level	New York	Geneva	Nairobi	Vienna	Addis Ababa	Bangkok	Beirut	Santiago	Total
Legal/Administrative Officer	P-3				1	1	1	1	1	5
Administrative Assistant	GS (OL)	3								3
Total Professional posts		6	1	1	1	1	1	1	1	13
Total posts		9	1	1	1	1	1	1	1	16

Table 7
Distribution of posts proposed for management evaluation by function and peacekeeping operation

	Level	MONUC	UNMIL	UNMIT	Total
Legal/Administrative Officer	P-4	1	1	1	3
Total Professional posts		1	1	1	3
Total posts		1	1	1	3

32. Having examined the additional information in the Secretary-General's report, the Advisory Committee doubts that the management evaluation function, in the form proposed, would add value to the process. On the contrary, it may instead become another cumbersome and bureaucratic part of the process. The Committee notes that, under the procedures proposed, the staff member would have to file a request for administrative review/management evaluation within 60 days after notification of the contested administrative decision and that the letter on the outcome of the administrative review/management evaluation would be sent to the staff member within 45 days. This mandatory first step in the formal process of the system of justice could therefore add up to 105 days to the timeline of the process.

33. The evaluation mechanism proposed should be considered in the overall context of the system of administrative justice and the different avenues it offers for challenging management decisions and redressing grievances. The Advisory Committee considers that it is likely that in many of the cases where an administrative decision is contested, staff members would first consult either the Ombudsman or the Staff Counsel. In addition, there is a capacity for legal research on the applicable regulations and rules and relevant precedents, as well as for fact-finding on the individual cases in the Offices of the Ombudsman and Staff Legal Assistance as well as the Mediation Unit. In the peacekeeping missions, the conduct and discipline teams also have some such capacity. In such cases, the determination of the facts of the case could be carried out by the supervisor of the manager responsible for the contested decision to whom authority has been delegated, in cooperation with the Department of Management.

34. **The Advisory Committee is of the opinion that the general principle of exhausting administrative remedies before proceeding to litigation could be honoured through an informal process. It is concerned that the Secretary-General's proposal for introducing a formal, mandatory management evaluation function, with the establishment of a large structure dedicated for this purpose may only add costs and delays to the process. It therefore**

recommends against approval of the Secretary-General's proposal for the establishment of a formal management evaluation process at this time. However, it recommends that the five existing posts (1 P-5, 1 P-4 and 3 GS (OL)) in the Office of the Under-Secretary-General for Management, proposed to be redeployed to the Management Evaluation Unit, be dedicated to performing management evaluation activities, as required. The Committee also recommends that the activity engendered by the new system of internal justice be monitored closely.

35. **Given the difficulties experienced with the administrative review function in the past, in particular with respect to the length of the process (see A/61/205, para. 87), the Advisory Committee considers it essential that the management evaluation function be executed promptly. It recommends that the management evaluation should be completed in a timely manner, as soon as possible, but within a limit of a maximum of 30 calendar days after the request for an evaluation is submitted. Similarly, the period within which staff should submit applications for remedial action should be reduced to 30 calendar days from the 60 days proposed by the Secretary-General (see annex II).**

Office of Administration of Justice

36. The Secretary-General proposes the establishment of an Office of Administration of Justice comprising the Office of the Executive Director and the Office of Staff Legal Assistance, as well as the United Nations Appeals Tribunal Registry in New York and the United Nations Dispute Tribunal Registries in New York, Geneva and Nairobi. It should be noted that while the Registrars will be under the overall supervision of the Executive Director, they will also be directly responsible to the judges in relation to judicial matters. The table below summarizes the Secretary-General's proposals for the Office of Administration of Justice and the related recommendations of the Advisory Committee.

Proposed staffing resources

Secretary-General's proposals		
Total staffing	28 posts	1 ASG; 2 D-1; 3 P-5; 5 P-4; 3 P-3; 2 P-2; 10 GS (OL); 2 GS (LL)
Inward redeployments	4 posts	2 P-5; 1 P-3; 1 GS (OL)
New posts requested:	24 posts	1 ASG; 2 D-1; 2 P-5; 5 P-4; 1 P-3; 2 P-2; 9 GS (OL); 2 GS (LL)
Advisory Committee's recommendation		
Total staffing	23 posts	1 D-2; 1 D-1; 2 P-5; 4 P-4; 3 P-3; 2 P-2; 8 GS (OL); 2 GS (LL)
New posts to be established	17 posts	1 D-2; 1 D-1; 4 P-4; 2 P-3; 2 P-2; 6 GS (OL); 1 GS (LL)

37. The total staffing establishment proposed for the Office of Administration of Justice is 28 posts distributed among New York, Geneva and Nairobi, as shown in table 8 below. It is proposed to redeploy to the Office of Administration of Justice one P-5 post from the Office of the Under-Secretary-General for Management and

three posts (1 P-5, 1 P-3 and 1 General Service (Other level)) from the secretariat of the United Nations Administrative Tribunal. **The Advisory Committee recommends approval of the Secretary-General's proposals for redeployment, as well as an additional two posts (see para. 48 below).**

Table 8
Distribution of posts proposed for the Office of Administration of Justice by function and location

		Level	*New York*	*Geneva*	*Nairobi*	*Total*
Office of the Executive Director	Executive Director	ASG	1			1
	Special Assistant	P-5	1			1
	Administrative Assistant	GS (OL)	1			1
United Nations Appeals Tribunal Registry New York	Principal Registrar	D-1	1			1
	Legal Research Officer	P-4	1			1
	Legal Research Officer	P-2	2			2
	Legal/Administrative Assistant	GS (OL)	3			3
United Nations Dispute Tribunal Registry New York	Principal Registrar	D-1	1			1
	Legal Research Officer	P-4	1			1
	Legal Research Officer	P-3	1			1
	Information Technology Officer	P-4	1			1
	Information Technology Assistant	GS (OL)	1			1
	Legal/Administrative Assistant	GS (OL)	3	2		5
United Nations Dispute Tribunal Registry Geneva/Nairobi	Registrar	P-5		1	1	2
	Legal Research Officer	P-4		1	1	2
	Legal Research Officer	P-3		1	1	2
	Legal Assistant	GS (LL)			2	2
Total Professional posts			**10**	**3**	**3**	**16**
Total posts			**18**	**5**	**5**	**28**

Office of the Executive Director

38. The Office of the Executive Director is to consist of one Assistant Secretary-General, one Special Assistant (P-5) and one Administrative Assistant (GS (OL)). **The Advisory Committee views the functions of the Executive Director to be largely administrative in nature and considers that the Assistant Secretary-General level for this post is not warranted. It recommends that the post be authorized at the D-2 rather than the Assistant Secretary-General level. Consequently, it also recommends against approval of the post for a Special Assistant (P-5). It recommends approval of the post of Administrative Assistant.**

United Nations Appeals Tribunal and United Nations Dispute Tribunal Registries

39. The Secretary-General proposes to establish separate Registries for the Dispute and Appeals Tribunals in order to avoid even the appearance of a conflict of interest, for the reasons stated in paragraph 133 of his report (A/62/294). However, the Redesign Panel proposed a single Registry to support both the Dispute and the Appeals Tribunals. **The Advisory Committee considers that the establishment of two separate Registries would create duplicative structures and recommends that a consolidated Registry be established for the two Tribunals. The posts requested for the consolidated United Nations Appeals Tribunal and United Nations Dispute Tribunal Registry in New York should be reviewed accordingly. The Committee recommends that the following posts be authorized for the consolidated Registry in New York: one Principal Registrar (D-1); three Legal Officers (1 P-4, 1 P-3 and 2 P-2); one Information Technology Officer (P-4); one Information Technology Assistant (GS (OL)); and four Administrative Assistants (GS (OL)). The Committee recommends acceptance of the Secretary-General's proposals for new posts for the United Nations Dispute Tribunal Registries in Geneva and Nairobi.**

United Nations Dispute and Appeals Tribunals

40. The Secretary-General discusses the number of judges for the United Nations Dispute Tribunal in paragraphs 71 to 74 of his report (A/62/294). The Redesign Panel recommended that a single judge should normally decide cases at the Dispute Tribunal level. The Panel also considered that it was advisable to retain some elements of peer review, with assessors sitting with the judge in disciplinary cases and in exceptional cases involving serious allegations (A/61/205, para. 93). In his note (A/61/758, para. 19), the Secretary-General indicated that in order to reflect the multicultural nature of the Organization, representation of more than one legal system would be required. In its report (A/61/815, para. 44), the Advisory Committee indicated that it was not convinced that more than one judge was indeed required with respect to the decisions to be made at the first-level Tribunal.

41. The Secretary-General maintains his position that it is necessary that a panel of three judges decide cases at the Dispute Tribunal. **Having considered arguments put forward by the Secretary-General in his report, as well as the additional information provided, the Advisory Committee continues to believe that the proposal of the Redesign Panel provides sufficient safeguards to ensure that the law is properly applied and recommends that it be adopted.**

42. The Secretary-General proposes that the judges be considered United Nations officials and that that they receive salary and allowances equivalent to United Nations staff members at the level of Director. The judges of the Appeals Tribunal would receive honorariums equivalent to rates applicable to the International Labour Organization Administrative Tribunal. **The Advisory Committee points out that the remuneration of the members of the Tribunals is to be determined by the General Assembly (see also para. 80 below).**

43. The Advisory Committee notes that provision has been made under non-post resources for the travel of judges and staff to hold sessions outside New York, Geneva and Nairobi (A/62/694, para. 171 (d)). The Committee recognizes the need for judges to have access to the staff members involved in the proceedings. It encourages the judges to make use of electronic means of communication, including

videoconferencing, e-mail and telephone, whenever possible in light of the experiences of the Ombudsman with such means of communication.

Office of Staff Legal Assistance

44. In paragraph 23 of its resolution 61/261, the General Assembly agreed that legal assistance for staff should continue to be provided and supported the strengthening of the function by the creation of a professional office of staff legal assistance. In paragraph 32 (d), it requested the Secretary-General to provide detailed proposals for the strengthening of such an office, including information on practices in the governmental and intergovernmental sectors.

45. The Advisory Committee recalls that, in paragraph 26 of its resolution 59/283, the General Assembly invited staff representatives to explore the possibility of establishing a staff-funded scheme in the Organization that provides legal advice and support to the staff, and that this invitation was reiterated in paragraph 24 of its resolution 61/261. Although the Secretary-General reports that the Staff-Management Contact Group of the Staff-Management Coordination Committee believes that such a system would be neither feasible nor sustainable in the case of the United Nations (A/62/294, para. 32), **the Advisory Committee remains convinced that the formal provision of legal assistance envisaged should be complemented by some form of staff participation. This would promote "ownership" of the system by the staff and could discourage unnecessary litigation. It requests that the Administration continue to seek creative methods for encouraging staff participation in the process.**

46. The Secretary-General's proposal provides for 21 posts, distributed across duty stations as shown in table 9 below. An additional nine posts are requested under the peacekeeping support account, as shown in table 10 below. The Advisory Committee notes that the present budgetary provision is for two posts, including one Coordinator (P-3) and one Administrative Assistant (GS (OL)) for the secretariat of the Panels of Counsel. The table below summarizes the Secretary-General's proposals for the Office of Staff Legal Assistance and the related recommendations of the Advisory Committee.

Proposed staffing resources

Office of Staff Legal Assistance		
Secretary-General's proposals		
Total staffing	21 posts	1 D-1; 1 P-5; 2 P-4; 6 P-3; 1 P-2; 5 GS (OL); 5 GS (LL)
Inward redeployment	6 posts	1 P-3; 4 GS (OL); 1 GS (LL)
New posts requested	15 posts	1 D-1; 1 P-5; 2 P-4; 5 P-3; 1 P-2; 1 GS (OL), 4 GS (LL)
Advisory Committee's recommendations		
Total staffing	10 posts	6 P-3; 1 P-2; 3 GS (OL)
New posts to be established	6 posts	5 P-3; 1 P-2

47. The posts proposed to be redeployed to the Office of Staff Legal Assistance include one General Service (Other level) from the United Nations Office at

Geneva; one P-3 from the United Nations Office at Vienna; one General Service (Local level) from the United Nations Office at Nairobi; two General Service (Other level) from the Office of the Under-Secretary-General for Management and one General Service (Other level) from the secretariat of the United Nations Administrative Tribunal.

Table 9
Distribution of posts proposed for the Office of Staff Legal Assistance by function and location

Regular budget resources	*Level*	*New York*	*Geneva*	*Nairobi*	*Vienna*	*Addis Ababa*	*Bangkok*	*Beirut*	*Santiago*	***Total***
Director	D-1	1								**1**
Senior Staff Counsel	P-5	1								**1**
Regional Coordinating Counsel	P-4		1	1						**2**
Regional Coordinating Counsel	P-3				1	1	1	1	1	**5**
Staff Counsel	P-3	1								**1**
Associate Staff Counsel	P-2	1								**1**
Legal Assistant	GS (OL)	3	1		1					**5**
Legal Assistant	GS (LL)			1		1	1	1	1	**5**
Total Professional posts		**4**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**11**
Total posts		**7**	**2**	**2**	**2**	**2**	**2**	**2**	**2**	**21**

Table 10
Distribution of posts proposed for the Office of Staff Legal Assistance by function and peacekeeping operation

Peacekeeping	*Level*	*MONUC*	*UNMIL*	*UNMIS*	***Total***
Regional Coordinating Counsel	P-3	1	1	1	**3**
Assistant to staff counsel	NPO	1	1	1	**3**
Legal assistant	GS (LL)	1	1	1	**3**
Total Professional posts		**1**	**1**	**1**	**6**
Total posts		**3**	**3**	**3**	**9**

48. **For the reasons stated in paragraphs 10 and 25 above, the Advisory Committee recommends that the following posts be approved for the Office of Staff Legal Assistance: one Staff Counsel (P-3), one Associate Staff Counsel (P-2), and three Legal Assistants (General Service (Other level)) at Headquarters in New York; and one Staff Counsel (P-3) each in Vienna, Addis Ababa, Bangkok, Beirut and Santiago. The Committee recommends approval of the Secretary-General's proposals for redeployment of one P-3 post and three General Service (Other level) posts to the Office of Staff Legal Assistance. One additional General Service (Other level) and one General Service (Local level) post, proposed to be redeployed to the Office of Legal Assistance would therefore remain available for redeployment elsewhere. The Committee recommends that these two posts be redeployed to the Office of Administration**

of Justice (see para. 37 above). It recommends approval of one P-3 post for a Staff Counsel in the United Nations Mission in Liberia.

Office of Legal Affairs

49. Five new posts are requested for three senior Legal Affairs Officers and two Legal Affairs Officers. The Advisory Committee was informed that posts were required to deal with the potential increase in the number of appeals to the United Nations Appeals Tribunal as a result of the substantial increase in the number of persons to be covered by the new justice system. The table below summarizes the Secretary-General's proposals for the Office of Legal Affairs and the related recommendations of the Committee.

Proposed staffing resources

Secretary-General's proposals		
Total staffing	10	7 P-5; 1 P-4; 1 P-3; 1 GS (OL)
Existing posts	5	4 P-5; 1 GS (OL)
New posts requested	5	3 P-5; 1 P-4; 1 P-3
Advisory Committee's recommendations		
Total staffing	5	4 P-5; 1 GS (OL)
New posts to be established	0	

50. From the additional information provided to it, the Advisory Committee notes that the Office of Legal Affairs has at its disposal four Senior Legal Affairs Officers and one General Service staff for dealing with administration of justice issues. The additional resources requested would result in a total of seven senior Legal Officers and 2 Legal Officers in the Office of Legal Affairs. The Committee notes that this request is partially based on the assumption that the scope of personnel to be covered by the proposed system of internal justice will be expanded to include non-staff, which has yet to be decided by the General Assembly (see para. 15 above). These proposals also do not appear to take into account the fact that, if successful, the efforts for early resolution of disputes through informal means may result in fewer cases being brought to the Tribunals. **In the light of these considerations, the Committee considers that there is insufficient information to support the requested additional staff at this time. It therefore recommends against approval of these posts until the real needs can be assessed.**

Administrative Law Unit (Office of Human Resources Management)

51. Under the new system of internal justice, the Administrative Law Unit would maintain its current responsibilities. It would continue to represent the respondent in the matters brought before the United Nations Dispute Tribunal, including the handling of cases of suspension of action and, where appropriate, conducting settlement negotiations. It would continue to be responsible for providing advice on disciplinary cases concerning New York staff members who are referred to the Office of Human Resources Management (see A/62/294, annex I) as well as reviewing certain recommendations of the heads of office and peacekeeping missions. The Unit also provides advice to managers on appeals and disciplinary

matters. The table below summarizes the staffing component of the Administrative Law Unit.

Proposed staffing resources

Secretary-General's proposals		
Total staffing	5	1 P-5; 2 P-3; 2 GS (OL)
Existing posts	5	1 P-5; 2 P-3; 2 GS (OL)
New posts requested	0	
Advisory Committee's recommendations		
Total staffing	5	1 P-3; 2 P-3; 2 GS (OL)
New posts to be established	0	

52. **The five posts of the Administrative Law Unit, currently funded from the regular budget, are proposed to be continued in the biennium 2008-2009. The Advisory Committee does not object to the Secretary-General's proposals in this regard.**

D. Disciplinary proceedings

53. A chart of the new disciplinary process showing the anticipated time limits for each stage was provided to the Advisory Committee upon request and is included in annex V to the present report.

54. On the recommendations of the intersessional working group established at the twenty-seventh session of the Staff-Management Coordination Committee, the Secretary-General makes proposals on the application of limited delegation of authority to the heads of office/mission for certain proceedings of the pre-disciplinary phase. These include the receipt of allegations or complaints, the decision to launch an investigation and the conduct of the investigation. The Advisory Committee recalls that the Redesign Panel recommended that the special representatives of the Secretary-General and heads of offices away from Headquarters be given greater delegation of authority to impose disciplinary sanctions, including dismissal (A/61/205, para. 27). The Secretary-General, however, proposes that the authority to be delegated to the heads of office/mission be limited to minor sanctions, such as censures and fines. The authority to impose more severe sanctions would remain with the Under-Secretary-General for Management.

55. **The Advisory Committee supports, in principle, the delegation of authority for disciplinary measures. However, it would appear from paragraphs 119 and 120 of the Secretary-General's report (A/62/294) that conditions are not yet ripe to implement the limited delegation of authority envisaged. In order for the General Assembly to take a fully informed decision, the Committee recommends that the Secretary-General be requested to submit a more detailed proposal regarding delegation of authority on disciplinary matters for the consideration of the Assembly at the second part of its resumed sixty-second session. The report should include more information on the criteria and modalities of the delegation of authority to the heads of**

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office/mission. In his report, the Secretary-General should also specify safeguards for ensuring due process and that the rights of staff members are fully respected.

E. Internal Justice Council

56. The Redesign Panel proposed that a five-member Internal Justice Council be established, consisting of a staff representative, a management representative and two distinguished external jurists, one nominated by the staff and one by management, and chaired by another distinguished external jurist appointed by the Secretary-General after consultation with the other four members. It also proposed that the Council would be responsible for monitoring the formal justice system and for compiling a list of persons eligible to be appointed to each judicial position (A/61/205, para. 127). In its report on these proposals, the Advisory Committee raised concerns about the precise role the Council would play and the process that would be applied for the selection of its members (A/61/815, para. 48).

57. In the Secretary-General's report, the role of the Internal Justice Council appears to be restricted to the compilation of lists of candidates for the selection of judges. The Advisory Committee is of the view that the functions of the Council need to be further clarified, in particular, whether it will have any other role, such as monitoring and the oversight of the formal justice system.

F. Transitional measures

58. The Secretary-General's proposals for the transitional procedures that would apply to the formal system of justice during the period leading up to 1 January 2009, when the new system will come into effect, and to the cases filed under the current system of justice which are still open on that date, are detailed in paragraphs 147 to 151 of his report. He indicates that these measures were endorsed by the participants at the Staff-Management Coordination Committee at its twenty-eighth session. **The Advisory Committee trusts that these procedures have been agreed upon by the other organizations that participate in the United Nations system of internal justice.**

59. The Secretary-General's proposals for additional resources for reducing the backlog during 2008 (A/61/891) are discussed in part III below.

G. Cost-sharing arrangements

60. Cost-sharing arrangements are outlined in paragraphs 160 to 163 of the Secretary-General's report. The costs of the system are to be shared among the peacekeeping operations, the funds and programmes and the United Nations Secretariat. The Advisory Committee notes that each organization's share will be determined on a head count basis, reflected in the percentages set out in paragraph 161 of the report and the elements of the system in which it participates. The Committee was informed that that was consistent with cost-sharing formulas applied for other common services provided by the Secretariat to other entities of the United Nations system. In addition to the post of Ombudsman for the funds and programmes (D-2), the regional office in Dakar would primarily serve the staff of

the funds and programmes, and would be funded primarily by those entities (see A/62/294, para. 112). The Committee was further informed that consultations between the United Nations Secretariat and the funds and programmes had begun in the summer of 2007. **The Committee points out that any agreements made in this context would also have to be approved by the governing boards of the participating organizations. It recommends that the Secretary-General report on the status of such arrangements to the General Assembly. Consistent with its recommendation for a gradual approach to the implementation of the system, it recommends that the post of Ombudsman for the funds and programmes be approved at the D-1 instead of the D-2 level.**

H. Non-post resources

61. The cost-estimates for the system of internal justice for the year 2009 arising from the Secretary-General's proposals contained in his report (A/61/294) total $16,644,000, as shown in table 11 below. Of this amount, $11,929,000 is for non-post resources. The Advisory Committee was informed that the estimates included non-recurrent costs in the amount of $7,551,100 and costs for the operations of the new system of internal justice for one year (see table 2 above).

Table 11
Resources requirements for 2009
(United States dollars)

	2009
Total posts	**4 715 000**
Non-post resources	
General temporary assistance	886 000
Non-staff compensation	2 438 700
Consultants	346 900
Travel of staff	185 000
Contractual services	3 470 000
General operating expenses	2 859 700
Supplies and materials	40 000
Furniture and equipment	918 300
Other	784 400
Total non-post resources	**11 929 000**
Total	**16 644 000**

62. Non-recurrent resources requested for the biennium 2008-2009 include one-time requirements such as: (a) furniture and equipment ($918,300) for additional staff; (b) general temporary assistance ($886,000) and contractual services ($1,855,500) for preparatory work, such as the drafting of the new rules and administrative issuances, establishment of guidelines for the implementation of the system, finalization and translation of a new handbook and the design, development

and delivery of a new training programme at Headquarters, the offices away from Headquarters and field missions; and (c) contractual services ($1,614,500) for the translation of documents and judgements and provision of conference services for the United Nations Administrative Tribunal and the United Nations Dispute Tribunal hearings in New York.

63. Recurrent costs for the maintenance of the system include, inter alia, requirements under general operating expenses ($2,059,700) for the rental and maintenance of premises for the additional staff proposed for the new system and non-staff compensation ($2,438,700) for judges, including provisions of $2,186,700 for salaries and allowances equivalent to the D-2 level for the nine judges of the United Nations Dispute Tribunal and $252,000 for the services of judges to render decisions on United Nations Administrative Tribunal cases using equivalent rates to those applied for the judges of the International Labour Organization Administrative Tribunal.

64. **The Advisory Committee notes that the estimates for non-post resources will be affected by the decisions made by the General Assembly on the scope of the new system of justice, the number of judges for the United Nations Dispute Tribunal and the level of their compensation, as well as the number and level of new posts to be established. The Committee requests that the estimates for non-post resources be adjusted to take into account its recommendations above and be provided separately to the Assembly for its consideration of the present report.**

I. Conclusion

65. **The actions to be taken by the General Assembly in connection with implementation of the system of administration of justice are indicated in paragraphs 173 to 177 of the Secretary-General's report (A/62/294).**

66. **The Advisory Committee's comments and recommendations on the Secretary-General's proposals for post and non-post resources are made in paragraphs 10, 15, 21, 22, 26, 27, 34, 37, 38, 39, 41, 48, 50 and 52 above. The Committee has recommended approval of a total of 33 new posts, under the budget section 1, Overall policymaking, direction and coordination, as follows: 1 D-2, 2 D-1; 3 P-5; 5 P-4; 7 P-3; 3 P-2; 1 GS (PL); 9 GS (OL); 2 GS (LL).**

67. **The Advisory Committee requests that the Secretary-General's proposals for post and non-post resources be adjusted to take into account its recommendations and that the adjusted resource requirements be provided separately to the General Assembly for its consideration of the present report.**

III. Revised estimates relating to the proposed programme budget for the biennium 2008-2009 pursuant to General Assembly resolution 61/261 (A/61/891)

68. The report of the Secretary-General was submitted pursuant to resolution 61/261 (para. 34). It contains his proposals for additional resources requested for the last six months of the biennium 2006-2007 and the period from 1 January to

31 December 2008 for the implementation of that resolution, until the new system of internal justice is in place, on 1 January 2009. The Advisory Committee's observations and recommendations regarding the proposals for the biennium 2006-2007 are contained in its related report (A/61/936).

69. These reports are still to be reviewed by the General Assembly. Some of the requests of the Secretary-General, especially those related to 2007 may therefore have been overtaken by events, as may have the Advisory Committee's recommendations thereon. The Committee requests that information on additional expenditure incurred in 2007 related to clearing the backlog and other preparatory work related to the implementation of the new system of internal justice be provided to it in the context of the second performance report for the programme budget for the biennium 2006-2007.

70. The Secretary-General's requests for 2008 total some $6.8 million and are grouped under four main areas as follows:

(a) $3,353,700 for the clearing of the backlog and pending cases before January 2009;

(b) $468,900 for the preparatory work to facilitate the smooth and timely implementation of the new system;

(c) $1,278,000 for the immediate strengthening of the Office of the Ombudsman with the establishment of branch offices in Geneva, Nairobi and Vienna;

(d) $900,000 for the establishment of the Mediation Division in the Office of the Ombudsman.

71. The requests under subparagraphs (c) and (d) above, relating to new posts to be established in the Office of the Ombudsman, are addressed in part II of the present report. The Advisory Committee will therefore limit its remarks below to the requests concerning the clearing of the backlog and the preparatory work for the implementation of the new system. The Committee was provided updated figures on the status of the backlogs of the Joint Appeals Boards, the Joint Disciplinary Committees, the Administrative Law Unit and United Nations Administrative Tribunal, which are provided in annex VI to the present report. Further details on workload and backlog information since 2004 are provided in the annex to the Advisory Committee's earlier report (A/61/936).

A. Clearing the backlog

72. A breakdown of the resources requested for the different stages of the process is provided in the table below.

(United States dollars)

	General temporary assistance	*Positions*	*Operating expenses, supplies and equipment*
Panel of Counsel	162 900	1 P-4 for 12 months	3 100
Joint Appeals Board and Joint Disciplinary Committee secretariat at Headquarters	194 700	1 P-3 for 12 months 1 GS (OL)	6 200

	General temporary assistance	*Positions*	*Operating expenses, supplies and equipment*
Joint Appeals Board and Joint Disciplinary Committee secretariat at Geneva	139 000	1 P-3 for 12 months	4 900
Administrative Law Unit	248 000	1 P-4 for 12 months 1 P-3 for 6 months	5 000
Executive Office of the Secretary-General	167 200	1 P-4 for 12 months	5 900
Secretariat of the United Nations Administrative Tribunal	512 600	1 P-3, 2 P-2; 2 GS (OL) for 12 months	29 500
Judges of the United Nations Administrative Tribunal	301 500	1 additional session Remuneration for 135 cases	—
General Assembly and Economic and Social Council affairs and conference management	884 100		—

73. In its observations on the resources requested for the biennium 2006-2007 (A/61/936), the Advisory Committee recognized the need to clear backlogs and to ensure that, while maintaining full due process standards, the new cases did not lead to a new backlog (see resolution 61/261, paras. 30 and 31). **The Committee recommends approval of the Secretary-General's requests for additional resources for: (a) the Panel of Counsel ($166,000); (b) the Joint Appeals Board and Joint Disciplinary Committee secretariat at Headquarters ($200,900); (c) the Joint Appeals Board and Joint Disciplinary Committee secretariat in Geneva ($143,900); (d) the Administrative Law Unit ($253,000); and (e) the Executive Office of the Secretary-General ($173,100).**

74. The Advisory Committee notes that general temporary assistance equivalent to five positions for a period of one year is requested by the secretariat of the United Nations Administrative Tribunal, more than doubling its existing capacity of four posts. **It considers that the need for this level of resources has not been adequately justified. It recommends that general temporary assistance equivalent to one P-3, one P-2 and 2 General Service (Other level) posts be approved for a 12-month period for the secretariat of the United Nations Administrative Tribunal.**

75. **The Advisory Committee recommends that the General Assembly request the Secretary-General to ensure that backlogs are eliminated during 2008 in anticipation of the implementation of the new system. It trusts that every effort will be made to utilize the additional resources granted for this purpose effectively (see also para. 73 above). The Committee intends to follow up on this matter and requests that details on the additional expenditure incurred as well as the status of each backlog at the beginning and the end of the period, cases processed and the number of new cases processed be provided to the Committee in the context of the second performance report for the biennium 2008-2009.**

76. Additional resources, in the amount of $884,100, are requested for the Department of General Assembly and Conference Management for editing, translation and text processing for the projected number of cases in 2008 (135) by 31 December 2008. It is indicated that the "permanent capacity of the Department

would need to be supplemented with non-recurrent temporary assistance resources estimated in the amount of $884,100 for the biennium 2008-2009". **The Advisory Committee considers that it should be possible to identify some capacity for the absorption of one-time activities such as those envisaged in the Department's budget. It urges the Secretariat to make every effort to maximize utilization of existing resources for the processing of the additional United Nations Administrative Tribunal cases. Any additional expenditure should be reported in the second performance report on the programme budget for the biennium 2008-2009.**

B. Compensation of the judges of the United Nations Administrative Tribunal

77. Details on the caseload of the United Nations Administrative Tribunal that appear in table 3 of the Secretary-General's report (A/61/891) show an expected backlog of 135 cases at the end of 2007, an estimated 100 new cases to be filed in 2008 and some 135 cases to be disposed of during 2005, leaving a final backlog of 100 cases at the end of 2008 when the new system of justice will come into effect. An update of the status of the backlog provided to the Advisory Committee shows that, as of 17 September 2007, 132 cases were pending and that the projected backlog for the end of 2007 stood at 137.

78. The United Nations Administrative Tribunal holds two five-week sessions per year and has over the past five years disposed of an average of 60 cases per year, or 30 per session. The Secretary-General's proposals would require the Tribunal to complete the processing of 135 cases in 2007. He proposes to increase the number of cases disposed of during each session to 50, by remunerating the judges to prepare their cases in advance of the session and holding an additional (third) session of the Tribunal in 2008. Taking the International Labour Organization Administrative Tribunal as an example, he proposes a compensation of $1,000 per judgement drafted and $250 per judgement, with each judgement having to be signed by two members.

79. In this connection, the Advisory Committee recalls that the members of the Tribunal are currently not remunerated. The Committee also recalls that in its resolution 56/272 the General Assembly decided, with effect from 6 April 2002, to set at a level of $1 per year all honorariums currently payable on an exceptional basis to the members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. The Assembly reiterated this position in paragraph 42 of its resolution 59/283.

80. **The Committee notes the Secretary-General's proposals for accelerating the pace at which the Tribunal disposes of cases and to reduce the backlog before the new system of internal justice comes into effect on 1 January 2009, which includes: (a) an additional session of the Tribunal; and (b) compensation of judges. Based on the projected caseload, the Committee concurs with the Secretary-General's request to hold an additional session of the United Nations Administrative Tribunal in 2008. The question of the compensation of judges is a matter for the Assembly to decide upon.**

C. Resource requirements to facilitate the smooth and timely implementation of the new system

81. Additional resources in the amount of $451,200 are requested for general temporary assistance equivalent to one D-2, one P-3 and one General Service (Other level) posts for the duration of 2008 and $17,700 for the related operational costs. The Secretary-General indicates that the main tasks to be accomplished are the establishment and staffing of the various components of the new system of internal justice: the Office of Administration of Justice; the Registry for the United Nations Dispute Tribunal; the United Nations Appeals Tribunal; the Office of Staff Legal Assistance; and the strengthening of the Office of the Ombudsman. The incumbent of the post of Director would also provide the necessary project leadership and act as principal interlocutor with Member States, senior management and staff on all aspects of the new system.

82. Given the timing of the present report (see para. 69 above) and assuming that the Secretary-General's proposals will be approved by the General Assembly, the Advisory Committee considers that it is unlikely that the Secretary-General will be able to recruit and fill the temporary position of Senior Manager at the D-2 level by 1 January 2008. The Committee is of the opinion that it would be more realistic to plan for the recruitment of the Executive Director of the Office of Administration of Justice by 1 July 2008 to carry out the preparatory work for the smooth transition to the new system in the remaining six months of 2008. **It therefore recommends that the post of the Executive Director of the Office of Administration of Justice be approved from 1 July 2008, at the D-2 level, in accordance with its recommendation in paragraph 38 above. It recommends acceptance of the general temporary assistance positions of one P-3 and 1 General Service (Other level) from 1 January 2008.**

D. Conclusion

83. **The actions to be taken by the General Assembly in connection with the revised estimates relating to the programme budget for the biennium 2006-2007 pursuant to its resolution 61/261 are indicated in paragraph 55 (d) of the report of the Secretary-General (A/61/891). The Advisory Committee's recommendations are contained in paragraphs 73, 74, 76, 80 and 82 above. It requests that the resource requirements be adjusted to take into account the above recommendations and that the adjusted resource requirements be provided separately to the Assembly during its consideration of the present report.**

Documentation

- Report of the Secretary-General on revised estimates relating to the programme budget for the biennium 2006-2007 and the proposed programme budget for the biennium 2008-2009 pursuant to General Assembly resolution 61/261 (A/61/891)
- Report of the Secretary-General on the administration of justice (A/62/294)
- Report of the Secretary-General on the activities of the Ombudsman (A/62/311)
- Note by the Secretary-General on the report of the Redesign Panel on the United Nations system of administration of justice (A/61/758)
- Report of the Redesign Panel on the United Nations system of administration of justice (A/61/205)
- General Assembly resolutions 59/283 and 61/261
- Report on the seventh special session of the Staff Management Coordination Committee held at Nairobi from 29 January to 6 February 2007 (SMCC/SS-VII/2007)

Annex I

List of further reports requested by the General Assembly in paragraph 32 of its resolution 61/261

(a) In-depth analysis regarding the scope of persons who might be covered by the new system of administration of justice;

(b) Proposals on the nomination and selection process for the Ombudsmen and judges, taking into account the recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/61/815, paras. 30 and 48);

(c) Revised terms of reference for the Ombudsman, taking into account the proposed changes and suggested locations;

(d) Detailed proposals for the strengthening of an office of staff legal assistance, including information on practices in the governmental and intergovernmental sectors;

(e) Detailed and objective criteria for determining which peacekeeping operations and special political missions should have elements of the system of administration of justice within their post structures;

(f) Outcome of the Staff-Management Coordination Committee working group on disciplinary proceedings, including on the recommendations of the Redesign Panel on peacekeeping operations;

(g) Arrangements for the members of the United Nations Administrative Tribunal whose terms of office are affected by the implementation of the new system;

(h) Proposals for registries for the United Nations Dispute Tribunal and its interim rules;

(i) Proposal for management evaluation, taking into account the recommendations of the Advisory Committee (A/61/815, paras. 32-40);

(j) Detailed information on the relationship and cost-sharing arrangements with the funds and programmes and underlying cost parameters, taking into consideration the comments of the Advisory Committee;

(k) Comparison of the cost of the current Joint Appeals Board/Joint Disciplinary Committee/United Nations Administrative Tribunal system and the proposed United Nations Dispute Tribunal/United Nations Appeals Tribunal system.

Annex II

Comparison of the timeline of the appeals process in the existing and the proposed systems

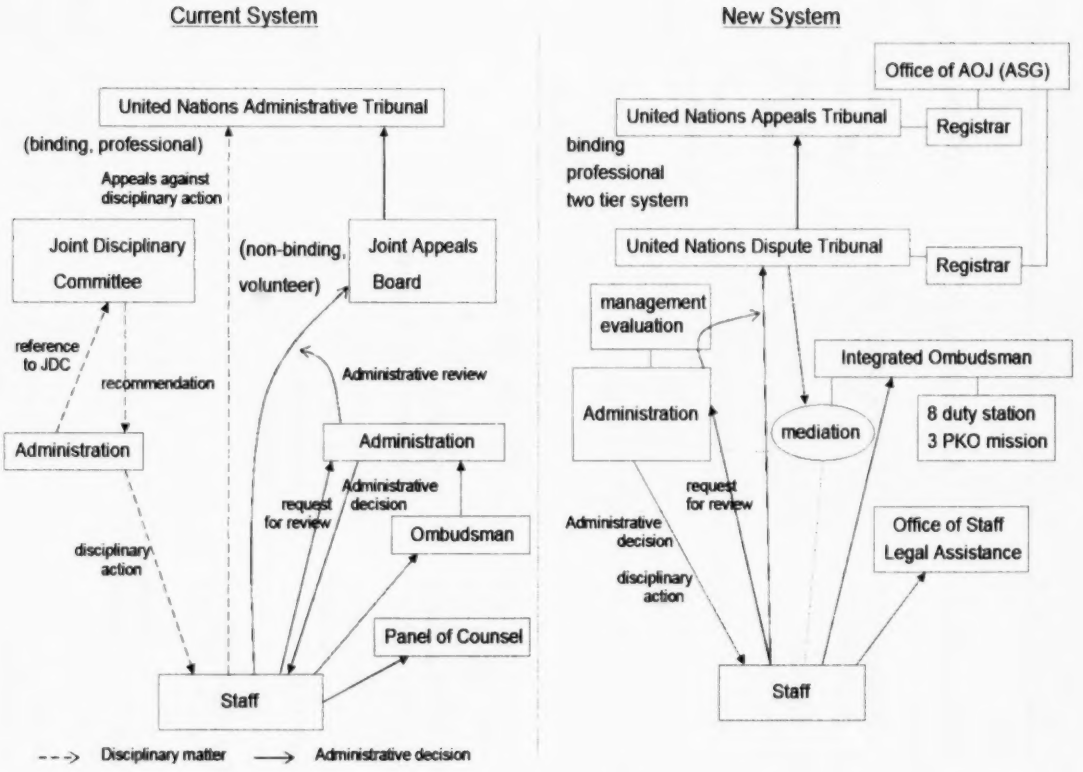
Action	*Current system*	*New system (estimates)*
Staff member files request for administrative review/management evaluation	Within 60 days after notification of administrative decision	Within 60 days after notification of administrative decision
Letter on outcome of administrative review/management evaluation sent to staff member	30/60 days (depending on location of staff member)	45 days
Staff member files with Joint Appeals Board/United Nations Dispute Tribunal	Within 30 days of response from Secretary-General on administrative review or from expiry of deadline	Within 30 days of response from Secretary-General on management evaluation
Respondent replies	2 months (+1 month extension)	60 days
Further pleadings by staff	2 weeks	21 days*
Further pleadings by management	2 weeks	21 days*
Joint Appeals Board/United Nations Dispute Tribunal considers the case and issues report/decision	Not specified	Not specified
Secretary-General takes decision on Joint Appeals Board report	Within 1 month after Joint Appeals Board has forwarded report	30 days
Secretary-General implements United Nations Dispute Tribunal decision		
Appeal is filed with United Nations Administrative Tribunal	90 days	Within 60 days of United Nations Dispute Tribunal decision
Answer/cross-appeal	3 months (+ extensions)	60 days

Action	*Current system*	*New system (estimates)*
Subsequent filings	30 days for each side	To be fixed by United Nations Administrative Tribunal
United Nations Administrative Tribunal issues decision	Not specified	Not specified
Total	**On average, 3 to 5 years**	**Approximately 16 months** (assuming 30 days for all stages where the deadline is not specified)

* Timing recommended by the Redesign Panel.

Annex III

United Nations internal justice system



Annex IV

Distribution of posts requested for the new system of internal justice by office and function, across duty stations

Office of Administration of Justice/Registries	*Office of the Ombudsman*	*Office of Staff Legal Assistance*	*Management evaluation*
New York			
1 ASG Executive Director	1 ASG Ombudsman	1 D-1 Director	1 D-1 Chief of Unit
1 D-1 Principal Registrar (UNDT)[a]	1 D-1 Principal Officer	1 P-5 Senior Staff Counsel	1 P-5 Legal Officer
1 D-1 Principal Registrar (UNAT)[b]	1 D-1 Coordinating Mediator	1 P-3 Staff Counsel	4 P-4 Legal Officers
1 P-5 Special Assistant	2 P-5 Mediators	1 P-2 Staff Counsel	3 GS (OL) Administrative Assistants
1 P-4 Legal Officer (UNAT)	2 P-4 Legal Officers	3 GS (OL) Legal Assistants	
1 P-4 Legal Research Officer (UNDT)	1 P-3 Legal Officer		
1 P-4 Information Technology Officer (UNDT)	1 GS (PL) Administrative Assistant		
1 P-3 Legal Research Officer (UNDT)	5 GS (OL) Administrative Assistants		
2 P-2 Legal Officers (UNAT)			
1 GS (OL) Information Technology Assistant (UNDT)			
7 GS (OL) Administrative Assistants			
Geneva			
1 P-5 Registrar	1 D-1 Regional Ombudsman	1 P-4 Regional Coordinating Counsel	1 P-4 Legal Officer

Office of Administration of Justice/Registries	*Office of the Ombudsman*	*Office of Staff Legal Assistance*	*Management evaluation*
1 P-4 Legal Research Officer	1 P-3 Case Officer		
1 P-3 Legal Research Officer	1 GS (OL) Administrative Assistant	1 GS (OL) Legal Assistant	
2 GS (OL) Legal Assistants			
Nairobi			
1 P-5 Registrar	1 D-1 Regional Ombudsman	1 P-4 Regional Coordinating Counsel	1 P-4 Legal Officer
1 P-4 Legal Research Officer	1 P-3 Case Officer		
1 P-3 Legal Research Officer	1 GS (LL) Administrative Assistant	1 GS (LL) Legal Assistant	
2 GS (LL) Legal Assistants			
Vienna			
	1 P-5 Deputy Regional Ombudsman	1 P-3 Regional Coordinating Counsel	1 P-3 Legal Officer
	1 GS (OL) Administrative Assistant	1 GS (OL) Legal Assistant	
Addis Ababa			
	1 P-5 Deputy Regional Ombudsman	1 P-3 Regional Coordinating Counsel	1 P-3 Legal Officer
	1 GS (LL) Administrative Assistant	1 GS (LL) Legal Assistant	
Bangkok			
	1 D-1 Regional Ombudsman	1 P-3 Regional Coordinating Counsel	1 P-3 Legal Officer
	1 P-3 Case Officer		
		1 GS (LL) Administrative Assistant	1 GS (LL) Legal Assistant

Office of Administration of Justice/Registries	*Office of the Ombudsman*	*Office of Staff Legal Assistance*	*Management evaluation*
Santiago			
	1 D-1 Regional Ombudsman	1 P-3 Regional Coordinating Counsel	1 P-3 Legal Officer
	1 P-3 Case Officer		
	1 GS (LL) Administrative Assistant	1 GS (LL) Legal Assistant	
Beirut			
	1 D-1 Regional Ombudsman	1 P-3 Regional Coordinating Counsel	1 P-3 Legal Officer
	1 P-3 Case Officer		
	1 GS (LL) Administrative Assistant	1 GS (LL) Legal Assistant	

[a] United Nations Dispute Tribunal
[b] United Nations Appeals Tribunal.

Annex V

Proposed disciplinary process with the estimated time limits for each stage

Process	*Responsible office and actions at Headquarters*	*Responsible office and actions away from Headquarters*
Reporting of incident [There are no time limits for the reporting of misconduct by victims or witnesses Reports should be reviewed within 2 weeks]*	Incidents of possible misconduct are reported to the Head of Department/Office or the Office of Internal Oversight Services (OIOS), who reviews the information and determines whether there are sufficient grounds to conduct an investigation	Same as for Headquarters
Conduct of investigation [Within 1–6 months, depending on the complexity of the matter]*	Depending on the subject matter and complexity of the investigation, the investigation will be conducted by OIOS or other investigative entity (Department of Safety and Security; panel appointed by a programme manager; or by the Office of Human Resources Management)	The investigation will be conducted by OIOS or other investigative entity appointed by the Head of the offices away from Headquarters (OAH) or Special Representative of the Secretary-General/Head of Mission
Placement on special leave pending the completion of the investigation	The Head of Department/Office can recommend placement on administrative leave with pay pending investigation, where appropriate. The decision is taken by the ASG/Office of Human Resources Management	In appropriate cases, the Head of office away from Headquarters or the Special Representative of the Secretary-General/Head of Mission may place a staff member on administrative leave with pay for up to 15 days. Approval of the ASG/Office of Human Resources Management is required for administrative leave in excess of 15 days.
	OIOS or other investigating entity prepares the investigation report (containing findings concerning alleged irregularities, violations, or improper conduct), which is transmitted to the Head of Department/Office	OIOS or other investigating entity prepares the investigation report (containing findings concerning alleged irregularities, violations, or improper conduct), which is transmitted to the Head of the office away from Headquarters or the Special Representative of the Secretary-General/Head of Mission

Process	*Responsible office and actions at Headquarters*	*Responsible office and actions away from Headquarters*
Review of investigation report [Within 3 weeks of receipt of report and supporting documentation]*	Where the Head of Department/Office or the Under-Secretary-General of OIOS (or their designee) believes there are grounds to indicate that misconduct has occurred for which disciplinary measures may be imposed, he or she will transmit the report to the ASG/Office of Human Resources Management for possible disciplinary action and may recommend placing the staff member on administrative leave, where appropriate and if not done so already	(The delegation of authority described from this box to the last box is subject to necessary capacity being in place) Head of the office away from Headquarters or Special Representative of the Secretary-General/Head of Mission analyses the investigation report with advice of a Legal Officer who, where appropriate, will be out-posted by the Department of Management/Office of Human Resources Management (the "Legal Officer").
	Where the Head of Department/Office finds that no grounds for disciplinary action exist, he or she will close the case and may impose an appropriate administrative measure, after prior notification to OIOS of the proposed course of action, where appropriate	Where the Head of the office away from headquarters or the Special Representative of the Secretary-General/Head of Mission finds that no grounds for disciplinary action exist, he or she will close the case and may impose an appropriate administrative measure, after prior notification to OIOS of the proposed course of action, where appropriate
	The staff member will be notified in writing of the outcome of the investigation	The staff member will be notified in writing of the outcome of the investigation
Decision on charging staff member [Within 3 weeks of receipt of report and supporting documentation The staff member is given 2 weeks to provide comments on the charges of misconduct, which is subject to extension for justifiable reasons]*	The Office of Human Resources Management analyses the investigation report and, where supported by evidence, issues charges of misconduct to the staff member, informs him/her of due process rights and requests his/her comments	The Head of the office away from Headquarters or the Special Representative of the Secretary-General/Head of Mission, with the advice of the Legal Officer, analyses the investigation report and, where supported by the evidence, issues charges of misconduct to the staff member, advises the staff member of his/her due process rights and requests his/her comments

Process	*Responsible office and actions at Headquarters*	*Responsible office and actions away from Headquarters*
	Where the ASG/Office of Human Resources Management finds that no grounds for disciplinary action exist, he/she may also decide that the case be closed and/or that administrative measures be imposed	Where the Head of the office away from Headquarters or the Special Representative of the Secretary-General/Head of Mission finds that no grounds for disciplinary action exist, he/she may also decide that the case be closed and/or that administrative measures be imposed
Placement on administrative leave with or without pay	The ASG/Office of Human Resources Management may place a staff member on administrative leave with pay, normally for a period not to exceed 3 months or until completion of disciplinary process. Where administrative leave without pay is deemed appropriate, approval by the USG/Department of Management must be obtained	The Head of the office away from Headquarters or the Special Representative of the Secretary-General/Head of Mission may place a staff member on administrative leave with pay for up to 15 days. Approval of the ASG/Office of Human Resources Management is required for administrative leave in excess of 15 days
Review of the staff member's comments [Within 3 weeks of receipt of the staff member's comments and any required additional information]*	The ASG/Office of Human Resources Management analyses the staff member's comments and any additional evidence	As per above, the Head of the office away from Headquarters or the Special Representative of the Secretary-General/Head of Mission, with the advice of the Legal Officer, analyses the staff member's comments and any additional evidence. The Legal Officer recommends action to the Head of the office away from Headquarters or the Special Representative of the Secretary-General/Head of Mission, after consultation with counsel representing the staff member
Decision on disciplinary measures [Within 3 weeks]*	The USG/Department of Management, acting on behalf of the Secretary-General, will decide to:	The Special Representative of the Secretary-General/Head of Mission/office away from Headquarters, following advice of the Legal Officer, will decide to:

Process	*Responsible office and actions at Headquarters*	*Responsible office and actions away from Headquarters*
	Close the case, if a satisfactory explanation is provided by the staff member - Take administrative action - Impose appropriate disciplinary measure(s), which may include summary dismissal Decisions to summarily dismiss require the prior advice of the Office of Legal Affairs	- Close the case, if a satisfactory explanation is provided by the staff member - Take administrative action - Impose disciplinary measures of censure and/or fine - Where more serious disciplinary measures are warranted, refer the case to the USG/Department of Management, through the Office of Human Resources Management Decisions to summarily dismiss require the prior advice of the Office of Legal Affairs.
Recourse by staff member [A staff member may initiate appeals procedures within 60 days of notification of the decision]*	A staff member has the right to appeal any decision to impose a disciplinary measure, first to the United Nations Disciplinary Tribunal and thereafter to the United Nations Appeals Tribunal	Same as for Headquarters

* All times are estimated and completion of each stage depends on the complexity of the case and the need for consultation and/or additional information.

Annex VI

Workload information

A. Updated figures for backlogs

	Pending cases	*Projected backlog at the end of 2007*
Joint Appeals Board, Headquarters	As of 17 September 2007: 114	123
Joint Appeals Board, Geneva	28	25[a]
Joint Disciplinary Committees, Headquarters	25	25
Joint Disciplinary Committees, Geneva	9	5
Administrative Law Unit		
Respondents replies	As of 31 August 2007: 16	17
Disciplinary cases	76	81
United Nations Administrative Tribunal	As of 10 September 2007: 132	137

[a] The Committee was informed that there was a strong possibility there would be a number of additional appeals arising out of the outposting exercise currently being undertaken at the United Nations High Commissioner for Refugees, which involved up to 130 staff members.

B. Number and types of cases processed by the Panel of Counsel

Issue	*2003*	*Percentage*	*2004*	*Percentage*	*2005*	*Percentage*	*2006*	*Percentage*
Disciplinary	23	10.9	37	16.5	39	14.7	62	21.1
Suspension of action	12	5.7	6	2.7	20	7.5	23	7.8
Discrimination	9	4.3	6	2.7	3	1.3		
Harassment	25	11.8	15	6.7	20	7.5	28	9.5
Performance	12	5.7	12	5.4	16	6.0	14	4.8
Classification	6	2.8	7	3.1	6	2.3	4	1.4
Fixed-term contract	26	12.3	25	11.1	30	11.3	43	14.6
Assignment	15	7.1	21	9.4	16	1.0	13	4.2
Promotion	20	9.5	32	14.3	35	13.2	32	10.1
Entitlements	17	8.1	25	11.2	13	4.9	14	4.8
Abolition of post					12	4.5	5	1.7
Termination	17	8.1	26	11.6	18	6.8	8	2.7
Medical	13	6.2	2	0.9			16	5.4
Pension	3	1.4	5	2.2	7	2.6	5	1.7
Other	13	6.2	5	2.2	31	11.6	27	1.2
Total	**211**		**224**		**266**		**294**	

C. Number and types of cases processed by the Office of the Ombudsman

Issue	*Number of closed cases*	*Percentage*
Interpersonal	441	19
Standards of conduct	233	10
Promotion/career	674	28
Separation/termination	14	13
Conditions of service	237	10
Entitlements	262	11
Other	195	8
Referral	23	1
Total	**2 379**	**100**